

Brent O. Hatch (5715)
Mark F. James (5295)
Mark R. Clements (7172)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

Robert Silver (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER
333 Main Street
Armonk, New York 10504
Telephone: (914) 749-8200
Facsimile: (914) 749-8300

Stephen N. Zack (admitted pro hac vice)
Mark J. Heise (admitted pro hac vice)
BOIES, SCHILLER & FLEXNER LLP
Bank of America Tower – Suite 2800
100 Southeast Second Street
Miami, Florida 33131
Telephone: (305) 539-8400
Facsimile: (305) 539-1307

Attorneys for The SCO Group, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

THE SCO GROUP

Plaintiff/Counterclaim-Defendant

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff

**SCO'S MOTION FOR EXTENSION
TO FILE RESPONSE TO IBM'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON BREACH OF
CONTRACT CLAIMS AND IBM'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON ITS
COUNTERCLAIM FOR COPYRIGHT
INFRINGEMENT (EIGHTH
COUNTERCLAIM)**

Case No. 2:03CV0294DAK
Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

RECEIVED CLERK
FILED
2004 SEP -8 P 6:31

U.S. DISTRICT COURT
DISTRICT OF UTAH

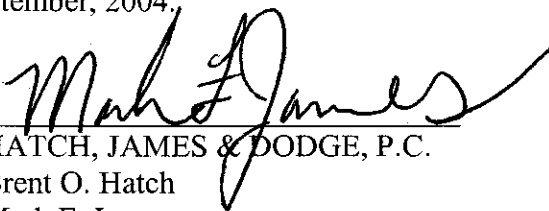
18

277

SCO respectfully moves the Court for an extension of time of at least thirty days to file a response to IBM's Motion for Partial Summary Judgment on Breach of Contract Claims (IBM's "Contract Motion") and IBM's Motion for Partial Summary Judgment on its Counterclaim for Copyright Infringement (Eighth Counterclaim) (IBM's "Copyright Motion"). SCO seeks this extension for at least two reasons. First, SCO has filed an expedited motion, along with this one, seeking to stay further briefing on, and consideration of, IBM's fact-intensive dispositive motions until after the close of fact discovery in this case (the "Scheduling Motion"). Unless the Court has an opportunity to consider and rule on SCO's Scheduling Motion before it is required to file its opposition briefs to IBM's motions, a large part of the purpose of the Scheduling Motion will be lost. Second, IBM admits that the requested extension will not impact the current hearing schedule. Thus, even if the Court denies SCO's Scheduling Motion, the Motions can still be heard at the December 9 hearing the Court has scheduled for oral argument. Even if both SCO and IBM take additional time to brief the Motions, the Court will still have more than enough time to review and consider the submissions before the currently-scheduled hearing.

This Motion is supported by a memorandum filed concurrently herewith.

DATED this 8 day of September, 2004.


HATCH, JAMES & DODGE, P.C.
Brent O. Hatch
Mark F. James
Mark R. Clements

BOIES, SCHILLER & FLEXNER LLP
Robert Silver, Esq. (admitted pro hac vice)
Stephen N. Zack (admitted pro hac vice)
Mark J. Heise (admitted pro hac vice)

Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of the foregoing
**SCO'S MOTION FOR EXTENSION TO FILE RESPONSE TO IBM'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON BREACH OF CONTRACT CLAIMS AND
IBM'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON ITS COUNTERCLAIM
FOR COPYRIGHT INFRINGEMENT (EIGHTH COUNTERCLAIM)** was served on
Defendant International Business Machines Corporation on this 8 day of September, 2004,
by hand-delivery to:

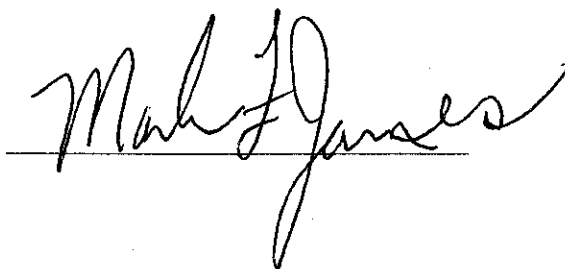
Alan L. Sullivan, Esq.
Todd M. Shaughnessy, Esq.
Snell & Wilmer L.L.P.
15 West South Temple, Ste. 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004

and mailed by U.S. mail, postage prepaid, addressed to:

Evan R. Chesler, Esq.
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019

Donald J. Rosenberg, Esq.
1133 Westchester Avenue
White Plains, New York 10604

Attorneys for Defendant/Counterclaim Plaintiff IBM Corp.

A handwritten signature in black ink, appearing to read "Mark F. James", is written over a horizontal line.